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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,952	01/26/2004	Hideo Kato	G121-082US	9310

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NOTARO AND MICHALOS
100 DUTCH HILL ROAD
SUITE 110
ORANGEBURG, NY 10962-2100

EXAMINER

PEACHES, RANDY

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/764,952

Applicant(s)

KATO, HIDEO

Examiner

Randy Peaches

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1-26-2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-5 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-5 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claim 10** is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsugane et al. (U.S. Patent Number 5,657,370) in view of Johnson et al. (U.S. Patent Application Number 2002/0132633 A1).

Regarding **claim 10**, Tsugane et al. discloses a slide mechanism, see FIGURE 3A-D, to connect the 1st housing (1), which reads on claimed "first member," and a 2nd housing (2), which reads on claimed "second member," a formed separately from each other to be slidable in one direction to form a closed state in which the said 1st housing (1) and the said 2nd housing overlap one another, and to form an opened state in which the top face of either member is exposed, said slide mechanism comprising:

- a slider (8), which reads on claimed "a pair of a hinge device," provided with a guide grooves (7) attached on both sides, which reads on claimed "guide member," to be exposed and moveably forwardly and backwardly by being biased slidably in one direction. See column 4 lines 18-37 and FIGURE 3B;

- a guide groove (7) provided on both sides of the other one of the first and second member, to the said guide grooves (7) of the said slider (8) in an engaged state.

See FIGURE 3B;

- a recessed portion (9) provided on each said groove to receive and lock each guide groove of the said slider (8) at a selected position. See column 4 lines 38-47; and

However, Tsugane et al. fails to clearly disclose wherein each hinge device is composed of a hinge case provided with a turn stopper and inserted in setting holes of both sides of said one of the first and second members, a ball bearing slidably and rotatably mounted to one side of said hinge case in an engaging condition with said guide grooves, a receiver being slidably inserted in said hinge case for receiving said ball bearing, and resilient means interposed between said hinge case and said receiver.

Johnson et al. teaches in paragraphs [0029 and 0032] wherein two distinct pair of hinges (35) are used for sliding a member of the device. See FIGURE 5.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify Tsugane et al. to include Johnson et al. in order to have a device capable of being slidable and rotatable around a pair of hinged devices.

Regarding **claims 4**, as the combination of Tsugane et al and Johnson et al. are made, the combination, according to **claim 10**, Tsugane et al. discloses a cellular portable radiotelephone, which reads on claimed "portable phone," comprising:

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- a box of a transmitter composing a first member and a box of a receiver composing a second member separately. See column 2 lines 16-25;
- wherein said cellular portable radiotelephone forms a closed state covering the top face of said transmitter with said receiver, and an opened state of sliding said receiver in one direction from said transmitter to expose the top face thereof by connecting the transmitter and the receiver slidably to each other via the slide mechanism. See FIGURE 3a-d and FIGURE 4a-c.

1. **Claims 3 and 5** are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Tsugane et al. (U.S. Patent Number 5,657,370) and Johnson et al. (U.S. Patent Application Number 2002/0132633 A1) in view of Hansen et al. (U.S. Patent Number 6,370,362 B1).

Regarding **claims 3 and 5**, as the combination of Tsugane et al and Johnson et al. are made, the combination, according to **claims 10 and 4**, further discloses:

- a slider (8), which reads on claimed "hinge device," provided with a guide groove (7), which reads on claimed "guide member," on the tip attached to one side of either the said 1st housing (1) or the said 2nd housing, allowing the said guide groove (7) to expose to be movable forward and backward by being biased slidably in one direction. See column 4 lines 18-37;

- a recessed portion (9) provided on the other member out of the above-described first and second members to receive the guide member of the hinge device at a predetermined slide position. See column 4 lines 38-47; and
- a recessed portion to receive and lock the guide groove at an appropriate position of said guide groove. See column 4 lines 48-60 and FIGURE 4b.
- Additionally, Tsugane et al. teaches in FIGURE 4B wherein the said housing is pivotally displaced allowing the said housing to angle toward the user.

However, the combination fails to clearly disclose wherein the said guide groove is disposed in a bent state so that the second member forms an obtuse angle with the first member when the first member and the second member are in an opened state.

Hansen et al. discloses in column 1 lines 30-40 wherein the sliding rails, which reads on claimed "guide groove," is slightly curved, which reads on claimed "bent," substantially the entire length of the said rails.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the combination of Tsugane et al. and Johnson et al. to include Hansen et al. in order to provide a slide mechanism that is slightly curved to contour the user's body when the device in use.

Response to Arguments

Applicant's arguments with respect to ***claims 3-5 and 10*** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randy Peaches whose telephone number is (571) 272-7914. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Randy Peaches
April 14, 2007


CHARLES N. APPIAH
SUPERVISORY PATENT EXAMINER